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BREYER, DONALD E. GRAHAM, REED HASTINGS
and PETER A. THIEL

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

EDWARD J. SHIERRY, Individually and On
Behalf of All Others Similarly Situated,

Plaintiff,

v.

FACEBOOK, INC., MARK ZUCKERBERG,
DAVID E. EBERSMAN, DAVID M. SPILLANE,
MARC L. ANDREESSEN, ERSKINE B.
BOWLES, JAMES W. BREYER, DONALD E.
GRAHAM, REED HASTINGS, PETER A. THIEL,
MORGAN STANLEY & CO. LLC, GOLDMAN,
SACHS & CO., BARCLAYS CAPITAL INC.,
ALLEN & COMPANY LLC, CITIGROUP
GLOBAL MARKETS INC., CREDIT SUISSE
SECURITIES (USA) LLC, DEUTSCHE BANK
SECURITIES INC., RBC CAPITAL MARKETS,
LLC, BLAYLOCK ROBERT VAN LLC, BMO
CAPITAL MARKETS CORP., C.L. KING &
ASSOCIATES, INC., CABRERA CAPITAL
MARKETS, LLC, CASTLEOAK SECURITIES,
L.P., COWEN AND COMPANY, LLC., E*TRADE
SECURITIES, LLC, ITAU BBA USA
SECURITIES, INC., LAZARD CAPITAL
MARKETS LLC, LEBENTHAL & CO., LLC,
LOOP CAPITAL MARKETS LLC, M.R. BEAL &
COMPANY, MACQUARIE CAPITAL (USA)
INC., MURIEL SIEBERT & CO., INC.,
OPPENHEIMER & CO. INC., PACIFIC CREST
SECURITIES LLC, PIPER JAFFRAY & CO.,

CASE NO. 12-CV-3200 (MMC)

CLASS ACTION

**STIPULATION REGARDING
SCHEDULING AND ORDER THEREON**

DATE: August 3, 2012

TIME: 9:00 a.m.

JUDGE: The Hon. Maxine M. Chesney

CTRM: 7, 19th Floor

1 RAYMOND JAMES & ASSOCIATES, INC.,
 2 SAMUEL A. RAMIREZ & COMPANY, INC.,
 3 STIFEL, NICOLAUS & COMPANY,
 4 INCORPORATED, THE WILLIAMS CAPITAL
 5 GROUP, L.P., and WILLIAM BLAIR &
 COMPANY, L.L.C.,

Defendants.

6 WHEREAS, on June 20, 2012, certain defendants removed the following actions from the
 7 Superior Court for the State of California for the County of San Mateo to the United States District
 8 Court for the Northern District of California (the "Removed Actions"):¹

9 *Lapin v. Facebook, Inc., et al.*, Case No. 12-cv-3195-MMC, San Mateo County
 10 Superior Court, No. CIV-514240;

11 *DeMois v. Facebook, Inc., et al.*, Case No. 12-cv-3196-MMC, San Mateo County
 Superior Court, No. CIV514163;

12 *Lazar v. Facebook, Inc., et al.*, Case No. 12-cv-3199-MMC, San Mateo County
 13 Superior Court, No. CIV 514065;

14 *Shierrv v. Facebook, Inc., et al.*, Case No. 12-cv-3200-MMC, San Mateo County
 Superior Court, No. CIV-514172;

15 *Cuker v. Facebook, Inc., et al.*, Case No. 12-cv-3201-MMC, San Mateo County
 16 Superior Court No. CIV 514238;

17 *Lieber v. Facebook, Inc., et al.*, Case No. 12-cv-3202-MMC, San Mateo County
 Superior Court No. CIV-514193; and

18 *Stokes v. Facebook, Inc., et al.*, Case No. 12-cv-3203-MMC, San Mateo County
 19 Superior Court, No. CIV514107;

20 WHEREAS, prior to the removal to the United States District Court for the Northern District
 21 of California, the Removed Actions were consolidated by order of the Honorable Beth L. Freeman,
 22 Presiding Judge of the Superior Court of the State of California for the County of San Mateo and co-
 23 lead counsel for the Removed Actions were appointed by Order of the Honorable Marie S. Weiner,
 24 Complex Civil Litigation Judge of the Superior Court of the State of California for the County of
 25 San Mateo;

26 ¹ Two other actions that were removed, *Pilgram v. Facebook, Inc., et al.*, Case No. 12-cv-3197-
 27 MMC, San Mateo County Superior Court, No. CIV-514111 and *Alfonso v. Facebook, Inc., et al.*,
 28 Case No. 12-cv-3198-MMC, San Mateo County Superior Court, No. CIV-514171, have since been
 voluntarily dismissed and marked closed on this Court's docket. Accordingly, the parties are not
 including these actions in the stipulation.

1 WHEREAS, on June 21, 2012 and June 22, 2012, plaintiffs filed motions to remand each of
2 the Removed Actions to the Superior Court for the State of California for the County of San Mateo;

3 WHEREAS, on June 21, 2012, motions to stay each of the Removed Actions were filed on
4 behalf of defendants;

5 WHEREAS, on June 29, 2012, the Removed Actions were deemed related to actions pending
6 before this Court and were subsequently transferred to this Court;

7 WHEREAS, pursuant to the order reassigning each of the Removed Actions to this Court, all
8 hearing dates on outstanding motions were vacated and the parties were ordered to re-notice said
9 hearings;

10 WHEREAS, the Court's ECF filing system was inoperable and the parties were unable to re-
11 notice these hearings by electronic filings on Thursday, June 28, 2012 or Friday, June 29, 2012;

12 WHEREAS, the re-notice of the motions to stay on behalf of defendants were physically
13 filed on June 29, 2012 and were accepted by the Court;

14 WHEREAS, plaintiffs' counsel, after contacting the Clerk's office when the ECF filing
15 system was inoperable and being advised that a physically refiled motion would be rejected because
16 these actions are designated for electronic filing only, and, therefore, plaintiffs physically filed their
17 re-noticed motions to remand on the next business day, Monday, July 2, 2012;

18 WHEREAS, the parties hereto agree that in the interest of judicial economy, plaintiffs'
19 motions to remand the Removed Actions and motions on behalf of defendants to stay the Removed
20 Actions should be briefed and heard on the same schedule; and

21 WHEREAS, the parties hereto wish to have the motions to stay and the motions to remand
22 the Removed Actions heard on the same date, that date being August 10, 2012.

23 NOW THEREFORE THE PARTIES STIPULATE AND AGREE that:

24 All briefing in response to either the motions to remand the Removed Actions or the Motions
25 to Stay the Removed Actions should be served on the parties and filed with the Court no later than
26 July 10, 2012; plaintiffs shall file a single brief and defendants shall collectively file a single brief;

27 All reply briefs in support of the motions to remand the Removed Actions or the motions to
28 stay the Removed Actions should be served on the parties and filed with the Court no later than July

1 18, 2012; plaintiffs shall file a single brief and defendants shall collectively file a single brief; and

2 In each of the Removed Actions, the parties will file amended notices of the motions to
3 remand and amended notices of the motions to stay setting August 10, 2012 at 9:00 A.M. as the
4 hearing date for said motions.

5
6
7 Dated July 3, 2012

KIRKLAND & ELLIS LLP

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1 Dated July 3, 2012

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1 Dated July 3, 2012

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16 *Attorneys for Defendants Morgan Stanley &*
17 *Co. LLC and Goldman, Sachs & Co., for themselves*
18 *and on behalf of the underwriter defendants*

19
20 **PURSUANT TO THE ABOVE STIPULATION, IT IS SO ORDERED.**

21 Dated: July 6, 2012

22 
23 HONORABLE MAXINE M. CHESNEY
24 UNITED STATES DISTRICT JUDGE
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